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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,092	10/12/2000	Motoki Kobayashi	SONY-U0297	8331

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EXAMINER

PILLAI, NAMITHA

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 02/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/689,092

Applicant(s)

KOBAYASHI ET AL.

Examiner

Namitha Pillai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract is objected to for not limiting the single paragraph within the range of 50 to 150 words and for using legal phraseology such as "means".

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Regarding claim 2, the term "may" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

Claims 3-4 depend from rejected claim 2 and include all of the limitations of claim 2 thereby rendering these dependent claims indefinite.

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7 and 9-10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U. S. Patent No. 5,623,613 (Rowe et al.).

Referring to claims 1, 9 and 10, Rowe discloses an information processing apparatus comprising first display control means for controlling a display of an icon hierarchy including a plurality of first icons on a first hierarchical layer (reference number 52, Figure 2). Rowe discloses a plurality of second icons on a second hierarchical layer at a level lower than the first hierarchical (reference number 54, Figure 2). Rowe also discloses a plurality of third icons on a third hierarchical layer at a level lower than the second hierarchical layer (reference number 56, Figure 2). Rowe also discloses a plurality of fourth icons on a fourth hierarchical layer at a level higher than the first hierarchical layer at a level higher (reference number 90, Figure 2). Rowe discloses exhibiting an array of first icons as a column or a row on a screen and an array of second icons as another column or another row on the screen (Figure 2). See column 2, line 54-64.

Rowe also discloses that the number of first and second icons displayed on the display is based on what can be supported by the display screen (column 3, lines 23-29).

Rowe discloses that an array of the first icons and an array of the second icons are displayed on the screen to form an array hierarchical structure (Figure 2 and column 2, lines 56-60).

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Rowe discloses an icon-specifying means for specifying a desired icon from the first or second icons displayed in the array hierarchical structure (reference number 60, Figure 2).

Rowe discloses a control means for changing the array hierarchical structure displayed on the screen. Rowe does disclose that the programming information can be divided into numerous categories and subcategories. This would result in more hierarchical layers being added to the display system from which the users would navigate through the numerous subcategories. As seen from the display, not all these layers will be readily accessible to the user through the display. Hence, Rowe has provided a control means by which users can choose icons to move along the viewing panel to the right (reference number 67, Figure 2 and column 8, lines 38-41). It is inherent that in order for users to see other subcategories displayed to the right side of the screen, the user will through the display control means change the hierarchical structure of the display. Hence, as the user chooses the second icon and moves to the right, the third new icons replace the second icons in the array hierarchical structure on the screen and the second icons replace the first icons in the array hierarchical structure on the screen.

Rowe also has provided a control means by which users can choose icons to move along the viewing panel to the left (reference number 67, Figure 3 and column 8, lines 38-41). It is inherent that in order for users to see other subcategories displayed to the left side of the screen, the user will through the display control means change the hierarchical structure of the display. Hence, as the user chooses the first icon and moves to the left, the fourth new icons replace the first icons in the array hierarchical structure

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on the screen and the first icons replace the second icons in the array hierarchical structure on the screen.

Referring to claim 2, Rowe discloses that first to fourth icons may each represent a content or a class of a content (column 2, lines 54-56).

Referring to claim 3, Rowe discloses further having reception for receiving a content, content class or information relevant to a content or relevant to a hierarchical layer of contents (column 5, lines 29-34).

Referring to claim 4, Rowe discloses having control means for controlling display so as to exhibit information relevant to an icon specified by a the icon specifying (reference number 66, Figure 4) means or information relevant to a hierarchical layer to which the specified icon pertains (reference number 92 and 96, Figure 4).

Referring to claim 5, Rowe discloses having control means for controlling a display of a picture showing a route to one of the second icons (reference number 67, Figure 4).

Referring to claim 6, Rowe discloses having the capability of controlling a display so as to scroll the first and second icons when the displayed icons are updated (reference number 70, Figure 5 and column 9, lines 3-7).

Referring to claim 7, Rowe discloses icon-specifying means where an icon on a hierarchical layer at a level lower than a hierarchical layer specified by a cursor in accordance with an operation of a predetermined key for a first direction. Rowe also discloses specifying means for an icon on a hierarchical layer at a level higher than a hierarchical layer specified by a cursor in accordance with an operation of a predetermined key for a second direction. Rowe also discloses specifying an icon on the

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same hierarchical layer specified by a cursor in accordance with an operation of a predetermined key for a third or fourth direction. See reference number 67, Figure 3, column 8, lines 52-59.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe and

Designing the User Interface (Ben Shneiderman).

Referring to claim 8, Rowe does not disclose having a layer-count acquiring means for acquiring the number of hierarchical layers to be displayed. Shneiderman discloses that users have constraints of screen displays especially concerning the width and length (page 259, line 35). By allowing users to choose the number of layers to be displayed at one time can help those with small or large screens to view the display in the manner most convenient and appropriate to their system. It would have been obvious to one of ordinary skill in the art at the time the invention to modify Rowe's invention such that there was a layer count acquiring means for acquiring the number of hierarchical layers to be displayed. Such a mechanism for acquiring the number of hierarchical layers to be displayed would provide choices to the user allowing them to have a satisfying and less confusing experience. Hence, one skilled in the art, at the time of the invention would have been motivated to learn from Shneiderman and implement a means for

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allowing users to customize the display screen based on the screen displays they are working with and based on what is most convenient for the user.

Conclusion

6. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach a method for displaying a hierarchy of menus with icons.

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington D.C. 20231.

If applicant desires to fax a response, (703) 746-7238 may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed. Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (703) 305-7691. The examiner can normally be reached on 8:30 AM - 5:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeza can be reached on (703) 308-3116.

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All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai
Assistant Examiner
Art Unit 2173
February 7, 2003



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173